

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50501 of 2023

Arising Out of PS. Case No.-54 Year-2023 Thana- DIGHALBANK District- Kishanganj

1. Md. Kaiser Alam @ Qaiser Alam Son Of Hafiful Rahman @ Hafejul @ Havsu R/O-Kalangachh, Block Mangura, P.S.-DIGHALBANK, Distt.-KISHANGANJ
2. Soyeb Alam @ Sabratu @ Mohammad Sakratu Son Of Md. Habibur Rahman @ Habul R/O-Kalangachh, Block Chawk, Mangura, P.S.-DIGHAL Bank, Distt.-KISHANGANJ
3. Tahsina @ Tahsima @ Tahseema Begum @ Jalsighi @ Jalsini Wife Of Sakratu R/O-Mangura, Ward No. 11, P.S.-DIGHAL Bank, Distt.-KISHANGANJ
4. Akhtar Ansari Son Of Aziz Ansari R/O-Block Chowk, Ward No. 09, P.S.-DIGHAL Bank, Distt.-KISHANGANJ
5. Bahadur Lal Ganesh Son Of Nahbat Lal Ganesh @ Nahbat Ali R/O-Koymari/Koyimara, Mangura, P.S.-DIGHAL Bank, Distt.-KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Adv. Mr. Mritunjay Kumar, Adv.
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, Adv.
For Informant	:	Mr. Amal Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

- 2 23-08-2023 Heard Ld. counsel for the petitioners and the State.
2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Dighalbank P.S. Case No. 54 of 2023, registered for the offences punishable under Sections 447, 341, 323, 324, 325, 307, 379, 504 and 34 of the Indian Penal Code.
3. The prosecution case as emerging from the FIR is



that there is a land dispute between the accused persons and informant due to which the petitioners assaulted the informant and his family members by lathi and iron rod. It is further alleged that they also threw petrol bomb upon Saddam due to which he got serious injury in the finger.

4. Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that though there is allegation of assault on head on one of the victim, but as per the injury report there is no such injury on the head and injury has been found on the non-vital part of the body. As such, Section 307 does not apply.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-



named, to be enlarged on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M.-1st, Kishanganj in connection with Dighalbank P.S. Case No. 54 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioners.

9. Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified



copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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